

Dear Commissioners,

As I understand it, Level 3 has petitioned so that IP based providers that terminate on the PSTN, and (critically) vice versa, will not have to do so at access charge rates, but may do so at lower rates based on cost. I support the Level 3 Petition and request that you do so too.

I am writing this request because the point at which the IP network and the PSTN network intersect is a critical one, not just to promising current services like Voice over IP, but to future services and technologies such as Video over IP, IP Wireless, and whatever may follow thereafter. While the FCC should not concern itself with favoring one technology, it is understandable if the FCC seeks to promote a system open to the flourishing of new services (such as IP) over one that is closed to alternate service providers (such as legacy PSTN networks).

If carriers with legacy networks are able to make less economically viable the points at which their legacy networks interconnect with new IP based network providers, they can cause the pace of progress towards all-IP networks to be slowed, because the legacy carriers will not face as much pressure to change from the new IP providers.

While the significant market forces pushing an IP future will probably have their victory in time, no matter how much the legacy carriers fight progress, the American people and those carriers who have sought to bring the IP future closer deserve action now. There is an understandable desire to wait until intercarrier compensation can be tackled in a more comprehensive manner, but waiting brings risk, both in terms of discouraging the pace of innovation and in the potential for political will to dissipate.

Refusing the Level 3 petition under the guise that it is not timely is also patently unfair to a carrier that requested regulatory review more than one year ago! Government is not responsive if it does not act in a timely manner, and it is better for an incremental change to be made on a matter clearly in front of the agency for some time, than to allow that matter to lapse under the belief that better wholesale changes can be made later. Particularly, if the large mergers now contemplated are finalized, legacy providers will perhaps be better capable of fighting regulatory battles, even where they do not deserve to win.

There is some support for the access fee based system under the theory that VOIP providers should contribute to the universal service fund. Yet this reasoning is flawed for the following reasons: (a) it is clear that a lot of the access fees are related to a telecom system that charges based on time and distance and not upon the universal service fund directly, (b) the economic impact on the universal service fund in the next decade of having VOIP calls terminating to the PSTN not be charged access charge fees is negligible, and (c) if voice really is just a software application on an IP pipe (as everyone thinks) then why is the USF linked to voice calls as opposed to the broadband pipe or the PSTN phone number itself? Requiring contributions into the USF fund from VOIP will become more and more ridiculous as VOIP calls drop in cost.

The real question, as voice becomes an application on a broadband IP pipe, is how should rural areas be delivered a broadband IP pipe, not how the cost of voice calls should be subsidized for them! By taking the right policy action now, the FCC can encourage the nation to move in the right direction.

Regulators are often accused of lagging behind technology. Sometimes they are right to do so. But here, there is a pressing need to push the law in the

direction it should go, and there is long delayed relief needed from an oppressive subsidy driven regime by a new technology that offers better service to the American people, the IP future should not be denied. The IP future should be one where there is an ability to access content provided anywhere else on the IP network, and where there is no access charge penalty forced upon those who are providing services over an IP pipe.

Therefore, I support Level 3's petition. Preferably, it should be granted in a manner that provides other carriers the ability to similarly utilize its precedent, and if any such carrier is also required to accept less than access charge payments for any traffic terminating on its network (symmetrical application).

Thank you for your attention,

Sincerely,
Ranjit Singh Mathoda

Boston College Law School, Class of 1999
mathoda@hotmail.com
cell: (310) 528-2154